

GENERAL PERMIT FOR BANK STABILIZATION ACTIVITIES

This general permit allows the repair and protection of eroded stream banks. Bank stabilization activities typically include grading of the stream bank to the appropriate slope in conjunction with placement of riprap or application of bioengineering techniques. Bioengineering involves the use of cedar tree revetments, rock or log current deflection weirs, live willow post application, log crib structures and other techniques that incorporate primarily materials found in the natural riparian environment. Bio-engineering is the preferred method and is permitted without notification where no work is done instream with mechanized equipment or where the work is done in accordance with an approved bio-engineering plan from the United States Department of Agriculture, Natural Resource Conservation Service. Bank stabilization activities are hereby permitted provided the activity is done in accordance with the terms and conditions below.

Exclusions

This general permit cannot be used to authorize work in the following circumstances:

- (a) where wetlands will be adversely affected by the proposed work;
- (b) when the activity is located in any waterway which is identified by the Department as having contaminated sediments, and where the proposed work will likely mobilize the contaminants;
- (c) when the project will adversely affect a species formally listed on State or Federal lists of threatened or endangered species; or
- (d) when an individual permit is required.

Bank stabilization projects not qualifying for authorization by this general permit may be authorized by individual permit provided all requirements of the *Tennessee Water Quality Control Act of 1977* are met.

Notification

- 1) No notification to the Division is required where the length of stream bank to be treated is less than three times the top-of-bank width of the stream channel, not to exceed a total length of fifty feet; and where the total volume of soil, sand or gravel disturbed or re-deposited is less than ten cubic yards. Bank stabilization work conducted in accordance with this provision is limited to one site per 1000 linear feet of stream, and may be done only once without notification.
- 2) No notification to the Division is required where the work is done and maintained in accordance with a bio-engineering plan developed or approved by the United States Department of Agriculture, Natural Resource Conservation Service, or where recognized bio-engineering techniques are used and no work is done instream with mechanized equipment.
- 3) Notification to the Division is not required where the activity is located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers. However, prior to commencement of construction, the applicant must have received any necessary authorizations pursuant to applicable provisions of §10 of *The Rivers and Harbors Act of 1899*, §404 of *The Clean Water Act* and §26a of *The Tennessee Valley Authority Act*.
- 4) Except as provided in item one of this section, notification must be submitted to the Division where the primary bank protection is not conventional bioengineering techniques and the activity is not located within water resource development project lands and waters, including flowage easement, managed by the Tennessee Valley Authority or the U. S. Army Corps of Engineers. Notification shall be in the form of an original, signed document which includes the following minimum information:

- (a) a map showing the exact location of the proposed work; and
- (b) a single copy of construction plans or drawings which includes all dimensions and specifications for the proposed work.

Work shall not commence until the applicant has been notified that the activity may proceed under the general permit.

General Terms and Conditions

The following general terms and conditions apply to all bank stabilization activities authorized by this general permit.

- 1) The unnecessary removal of living trees and other riparian vegetation which help comprise the integrity of the stream bank or which help provide canopy or shade to the waters; or, the placement of fill which would otherwise injure or damage stream side vegetation is not authorized by this general permit.
- 2) Grading, sloping, dredging or reshaping of the stream banks or bed shall be limited to the minimum necessary to accommodate stabilization and armoring materials.
- 3) The placement of riprap is limited to 300 linear feet of stream bank. Vegetative or bioengineering methods of bank stabilization are not subject to this restriction.
- 4) Material may not be placed in such location or manner so as to impair surface water flow into or out of any wetland area.
- 5) The activity may not be conducted in a manner that would permanently disrupt the movement of aquatic life.
- 6) Materials used in stabilization shall include clean rock, riprap or anchored trees or other non-erodible materials found in the natural environment. **Except for activities covered by item one of the notification section,** stabilization materials shall not include gravel, sand, sediments, chert, soil, or other materials that are likely to erode. Materials used in bank stabilization projects shall be free of contaminants, including toxic pollutants, hazardous substances, waste metal, construction debris, organic materials, etc.
- 7) Streams shall not be used as transportation routes for heavy equipment. Crossings must be limited to one point and erosion control measures must be utilized where the stream banks are disturbed. Where the streambed is not composed of rock, a pad of clean rock must be used at the crossing point. Clean rock is rock of various type and size, depending upon application, that contains no fines, soils, or other wastes or contaminants. All temporary fill must be completely removed after the work is completed.
- 8) Appropriate steps shall be taken to ensure that petroleum products or other chemical pollutants are prevented from entering waters of the state. All spills must be reported to the appropriate emergency management agency, and measures shall be taken immediately to prevent the pollution of waters of the state, including groundwater.
- 9) Vegetation and debris disturbed by activity at the construction site shall be removed from the site to such a location so as to prevent reentry into the waterway.
- 10) Upon achievement of final grade, all disturbed soil areas must be stabilized and re-vegetated within 30 days by sodding or seeding and mulching. Seed to be utilized shall include a combination of annual grains and grasses, legumes, and perennial grasses. Lime and fertilizer shall be applied as needed to

achieve a vegetative cover.

- 11) Adverse impact to formally listed state or federal threatened or endangered species or their critical habitat, or to cultural, historical, or archeological features or sites is prohibited.

Effective Date	July 1, 2000
Expiration Date	June 30, 2005